

### **REMARKS**

This Response is responsive to the Office Action mailed February 16, 2011 (hereinafter "Restriction Requirement"). The Restriction Requirement asserts that the pending claims are drawn to two groups that fail to be linked so as to form a single general inventive concept as follows:

**Group I:** Claims 36-46, drawn to an antimicrobial and non-cytotoxic layered material; and

**Group II:** Claims 47, drawn to a method for producing an antimicrobial, non-cytotoxic layered material.

Applicants expressly take no position as to the correctness of the Restriction Requirement. However, Applicants hereby elect **Group I**, claims 36-46, drawn to an antimicrobial and non-cytotoxic layered material, because of the administrative requirement that an election be made under 37 C.F.R. § 1.142; MPEP § 818.03(b). Accordingly, claim 47 is hereby withdrawn by this Response.

Applicants note that claim 47 is drawn to methods of making the materials of claims 36-46. Accordingly, should claims 36-46 be allowed, Applicants respectfully request rejoinder of **Group II**.

The Restriction Requirement also appears to require that Applicants elect one species from the Markush species listed as optional organic substrates in claim 42. Applicants expressly take no position as to the correctness of the Restriction Requirement. However, Applicants hereby elect "plasma polymer" because of the requirement that an election be made. This election is consistent with the materials set forth in Examples 1-7.

As indicated in the Restriction Requirement, all elected claims are generic. Accordingly, no additional claims are withdrawn.

Applicants believe that these elections and amendments address all outstanding elections set forth in the Restriction Requirement.

**Conclusion**

For at least the reasons set forth above, the independent claims are believed to be allowable. The application is believed to be in condition for immediate allowance. If any issues remain outstanding, Applicants invite the Examiner to call the undersigned (direct line: 561-962-2110) if it is believed that a telephone interview would expedite the prosecution of the application to an allowance

Respectfully submitted,

DUANE MORRIS LLP



Dated: March 16, 2011

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